

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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DESIREE YAGAN,

Plaintiff,

v.

5:10-CV-528 (NPM/ATB)

JUDGE STEPHEN DOUGHERTY,
JUDGE KEVIN YOUNG, et al.,

Defendants.

APPEARANCES

DESIREE YAGAN, Plaintiff, pro se

NEAL P. McCURN, Senior U.S. District Court Judge

MEMORANDUM - DECISION AND ORDER

Currently before the court for consideration is an Order and Report-Recommendation (“Report-Recommendation”) (Doc. No. 13) prepared by the Honorable Andrew T. Baxter, United States Magistrate Judge (“MJ Baxter”) pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(a) of the Northern District of New York. On June 11, 2010, plaintiff Desiree Yagan (“plaintiff”) filed an objection to the Report-Recommendation. Doc. No. 14. Among other things, plaintiff complains that the Report-Recommendation is inaccurate and biased, and

requests that MJ Baxter recuse himself based on, inter alia, his former affiliation with the U.S. Attorney's office prior to his appointment as Magistrate Judge.

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the magistrate judge's report and recommendation, but they must be "specific written" objections, and must be submitted "[w]ithin 14 days after being served with a copy of the recommended disposition." Fed.R.Civ.P. 72(b)(2); see also 28 U.S.C. § 636(b)(1)(C). "Where, however, an objecting party makes only conclusory or general objections, or simply reiterates [her] original arguments, the Court reviews the Report and Recommendation only for clear error." Caldwell v. Crosset, 2010 WL 23446330 at * 1 (N.D.N.Y. 2010) (internal quotations omitted) (citing Farid v. Bouey, 554 F.Supp.2d 301, 307 (N.D.N.Y.2008)).

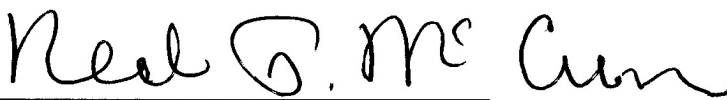
The court has considered plaintiff's objections to the Report-Recommendation and finds nothing other than conclusory objections which mirror the arguments presented in the numerous TROs filed in this action, in that they hearken back to issues that have no bearing on the matter before the court. In addition, plaintiff makes unfounded accusations and a request for recusal based on

her perception that there are vast conspiratorial activities surrounding her prior arrests. Accordingly, the court reviews the Report-Recommendation for clear error and finds none.

For the reasons set forth above, the Report-Recommendation issued by MJ Baxter is hereby approved and adopted in its entirety. Plaintiff's complaint and five pending motions for TRO and/or Preliminary Injunction are hereby dismissed. Further, plaintiff is ordered to show cause why she should not be enjoined from filing any further motions, petitions, notices, letters, exhibits, affidavits, or any other documents to this court regarding this matter. Plaintiff is directed to address this court concerning same in a written memorandum of law to be filed on or before July 23, 2010 with the Clerk's Office of the Northern District of New York at Syracuse, New York.

SO ORDERED.

June 23, 2010



Neal P. McCurn
Senior U.S. District Judge